

• • R E M A R K S • •

The present Preliminary Amendment is being filed together with a Request for Continued Examination of the above-identified application.

By the present amendment, independent claim 1 has been changed to recite that the shape holding layer and the body fluid retaining layer have patterned surface areas that are substantially coextensive. Support for this change to independent claim 1 can readily be found in Figs. 1 and 2.

Also by the present Preliminary Amendment, new dependent claim 12 has been added which recites that the shape holding layer comprises a liquid-permeable material. Support for new claim 12 can be found in the full paragraph on page 10 of applicants' specification in which it is disclosed that body excretions permeate into the shape keeping (holding) layer.

In addition, new independent claim 13 has been added which corresponds substantially to previous claim 1 with the added limitation that the shape holding layer surrounds peripheral edges of each of the plurality of openings.

Support for new claim 13 can be readily found in Figs. 1 and 2.

Entry of the changes to the claims is respectfully requested.

Claims 1-13 are pending in this application.

In the Official Action of March 27, 2003 the Examiner rejected claims 1-3, 5, 7-9 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,395,957 to Chen et al.

Claims 4 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al. as applied to claims 1 and further in view of U.S. Patent No. 5,479,335 to Colbert.

The Examiner had relied upon Chen et al. as disclosing a body fluid absorbent panel that comprises a fibrous web having a compression resilience, comprising a plurality of openings 27 extending therethrough, with barriers surrounding and defining the openings 27. The Examiner has stated that the barriers comprise a shape holding layer 2 and a body fluid retaining layer 1.

The "shape holding layer 2" (per the Examiner's interpretation) of Chen et al. comprises hydrophobic material that has been deposited on the uppermost regions 3 of the contoured hydrophilic basesheet 1 of Chen et al.

The "openings 27" which the Examiner has relied upon Chen et al. as teaching, are disclosed as being perforations that are formed in the low portions of the contoured basesheet. (See Fig. 5).

By the present amendment, applicants' independent claim 1 has been changed to recite that the shape holding layer and the body fluid retaining layer have patterned surface areas that are substantially coextensive.

The basesheet and layer of deposited hydrophobic material 2 of Chen et al. do not have patterned surface areas that are substantially coextensive.

Accordingly, Chen et al. does not anticipate applicants' amended claim 1.

If the hydrophobic material 2 were deposited coextensively across the entire surface of the backsheet 1 in Chen et al. the resulting structure would not properly function.

Accordingly, Chen et al. does not suggest or render obvious the limitations of applicants' independent claim 1. Moreover, it would be improper to modify Chen et al. to read on the limitations of independent claim 1.

New dependent claim 12 recites that the shape holding layer comprises a liquid-permeable material. The "shape holding layer 2" (per the Examiner's interpretation) of Chen et al. comprises

hydrophobic material that has been deposited on the uppermost regions 3 of the contoured hydrophilic basesheet 1. This deposited layer is not taught by Chen et al. as being liquid-permeable.

Independent claim 13 recites that the shape holding layer surrounds peripheral edges of each of the plurality of openings. As seen in Fig. 5 of Chen et al. the deposited layer of hydrophobic material 2 (the Examiner's "shape holding layer") is provided only on the upper portions of the contoured backsheet and not at all near the peripheral edges of perforations 27.

The Examiner had relied upon Colbert as teaching an arrangement of first and second panels in which the second panels divide the openings of the first panel.

The Examiner's further reliance upon Colbert does not address or overcome the distinctions between Chen et al. and applicants' invention as presently claimed.

It is submitted that applicants' invention as claimed herein distinguishes and is patentable over the prior art of record.

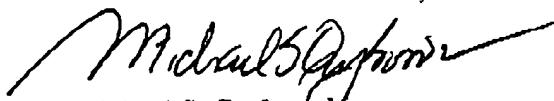
Accordingly, entry of the present Preliminary Amendment and an early examination and allowance of the present application are earnestly solicited.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

Marked-Up Copy of the Claims
As Amended on July 15, 2003

1. (Three Times Amended) A body fluid absorbent panel for a sanitary wearing article comprising a fibrous web having a compression resilience, said fibrous web comprising a plurality of openings extending therethrough in a direction of a thickness of the fibrous web, and barriers surrounding and defining said openings,

said barriers comprising a shape holding layer formed from a plurality of thermoplastic synthetic resin fibers and a body fluid retaining layer placed upon one of an upper surface and a lower surface of said shape holding layer and formed from a plurality of thermoplastic synthetic resin fibers mixed with an absorbent material, said shape holding layer and said body fluid retaining layer having patterned surface areas that are substantially coextensive,

said thermoplastic synthetic resin fibers of said shape holding layer being hot welded together at contact points therof in said shape holding layer,

said thermoplastic synthetic resin fibers of said body fluid retaining layer being hot welded together at contact points thereof in said body fluid retaining layer, and

said thermoplastic synthetic resin fibers of said shape holding layer and said thermoplastic synthetic resin fibers of said body fluid retaining layer being hot welded to each other along an interface at contact points of said shape holding layer and said body fluid retaining layer.

Please add new claims 12 and 13 as follows:

--12. (New) The body fluid absorbent panel according to Claim 1, wherein said shape holding layer comprises a liquid-permeable material.--

--13. (New) A body fluid absorbent panel for a sanitary wearing article comprising a fibrous web having a compression resilience, said fibrous web comprising a plurality of openings extending therethrough in a direction of a thickness of the fibrous web, and barriers surrounding and defining said openings.

said barriers comprising a shape holding layer formed from a plurality of thermoplastic synthetic resin fibers and a body fluid retaining layer placed upon one of an upper surface and a lower surface of said shape holding layer and formed from a plurality of thermoplastic synthetic resin fibers mixed with an absorbent material, said shape holding layer surrounding peripheral edges of each of the plurality of openings,

said thermoplastic synthetic resin fibers of said shape holding layer being hot welded together at contact points thereof in said shape holding layer,

said thermoplastic synthetic resin fibers of said body fluid retaining layer being hot welded together at contact points thereof in said body fluid retaining layer, and

said thermoplastic synthetic resin fibers of said shape holding layer and said thermoplastic synthetic resin fibers of said body fluid retaining layer being hot welded to each other along an interface at contact points of said shape holding layer and said body fluid retaining layer.--